

DOCKET NO. 2002.02.002.WTO
U.S. SERIAL NO. 10/035,800
PATENT

REMARKS

Claims 1-16 were originally filed in the present application.

Claims 1-16 are pending in the present application.

Claims 1-16 were rejected in the November 9, 2005 Office Action under 35 U.S.C. § 103(a), as being unpatentable over US Patent No. 6,509,913 to Martin, et al. ("Martin") in view of US Patent No. 6,324,693 to Broderson, et al. ("Broderson").

Claims 1 and 15 are amended above. Claims 2-14 and 16 remain in the present application and have not been amended.

The current rejections of claims 1-16 are addressed below. Reconsideration and allowance of the claims are respectfully requested.

Claim 1:

As currently amended, claim 1 requires a memory within the wireless communication device – coupled to the main controller, and capable of storing a first GUI configuration file and a second GUI configuration file. Claim 1 further requires that the main controller is operable to validate said second GUI parameter data by comparing a first text name checksum value contained in said first GUI configuration file with a second text name checksum value contained in said second GUI configuration file.

Support for the amendment of claim 1 is found in the application as originally filed (Figure 2; p. 14, lines 9-19).

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In the Office Action dated November 9, 2005, the Examiner concedes that Martin "fails to distinctly point out validating the two configuration files."

Applicants agree.

Applicants submit that not only does Martin fail to distinctly point out validating the two configuration files, but also contains no teaching, suggestion or motivation for validating a second GUI parameter data, by comparing a first text name checksum value contained in a first GUI configuration file with a second text name checksum value contained in a second GUI configuration file, as is required by claim 1. In fact, Martin appears to teach no substantive comparison at all.

In Martin, screen configuration information is provided to the wireless device 216 from, and screen display on the wireless device 216 is controlled by, components within the wired section 202 – such as gateway 208 or user interface controller 212 – of system 200 (Col. 5, line 51 – Col. 6, line 4). The wireless device 216 of Martin appears to simply receive and display whatever content or information is sent to it. As the Examiner has conceded, Martin fails to distinctly point out validating two configuration files. It thus has no need to – and fails to provide motivation or suggestion to – compare checksum values in first and second GUI configuration files.

Nevertheless, in an attempt to overcome this deficiency, the Examiner turns to Broderon.

The Examiner claims that Broderon teaches a "main controller is operable to validate said second parameter data by comparing a first text name checksum value associated with said first GUI configuration a second text name checksum value associated with said second GUI configuration file (Column 17 lines 51-60)."

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The Examiner then contends that "it would have been obvious ... to combine the method of Martin with the teaching of Broderon. Motivation to do so would have been to prevent inadvertently applying changes that are not supported."

Applicants respectfully disagree.

Applicants find no teaching or suggestion of taking measures against inadvertent, unsupported changes in Martin. Applicants respectfully request that the Examiner cite the portion(s) of Martin that the Examiner contends provide such suggestion or motivation.

Applicants respectfully submit that the Examiner has improperly combined Martin and Broderon – selectively culling only a single element from Broderon to provide functionality in Martin that Martin neither teaches nor suggests.

In order to combine – at the time the invention was made – Martin and Broderon as the Examiner has suggested, one of ordinary skill in the art would *prospectively* have to: 1) spontaneously assume that Martin's system needed to validate GUI parameter data in a second GUI configuration file by comparing a first text name checksum value contained in a first GUI configuration file with a second text name checksum value contained in the second GUI configuration file – even though Martin's system appears to have no use for such functionality; 2) find Broderon; 3) after reading through Broderon's extensive teaching of updating partially replicated database systems, disregard Broderon's teaching of docking managers, update managers, merge managers, log managers, and almost all of their constituent elements and operations; 4) selectively cull from Broderon only the comparison of checksum values in the installation of

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software upgrade files; 5) adapt and modify this software upgrade checksum process to operate on Martin's browser content data; and 6) successfully modify Martin's system and operations to integrate and utilize the substantially modified and previously nonexistent comparison utility.

Applicants respectfully submit that there is insufficient teaching or suggestion in either Martin or Broderon to motivate one of ordinary skill in the art to embark on such a selective and speculative modification.

Applicants further submit that Martin fails to distinctly point out a memory within the wireless communication device – coupled to the main controller, and capable of storing a first GUI configuration file and a second GUI configuration file, as is now required by claim 1.

Applicant respectfully submits that, in fact, Martin describes that storage of screen configuration information is provided in the account information storage area 210, which is a part of network gateway 208 in the wired section 202 of system 200 (FIG. 2A; Col. 5, lines 9-15; Col. 4, lines 15-20) – *not* a part of wireless device 216.

Martin teaches that the screen configuration information is “maintained by the network gateway 208” and is “forwarded by the network gateway, or other central location,” to wireless device 216 (Col. 5, lines 47-51, emphasis added).

Applicants therefore respectfully submit that claim 1, as amended, overcomes the cited combination of Martin and Broderon.

Claim 1, as amended, is allowable. Applicants respectfully request reconsideration and allowance of claim 1.

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Claims 2-7:

Claims 2-7 depend from allowable claim 1, and provide further elements distinguishing over the cited references, or provide – at least – claim differentiation.

Claims 2-7 are allowable. Applicants respectfully request reconsideration and allowance of claims 2-7.

Claim 8:

In rejecting claim 8, the Examiner states “Claim 8 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.”

Applicants therefore incorporate the arguments made in relation to claim 1, above, herein.

Claim 8 requires, inter alia, “retrieving a first text name checksum value stored in a first GUI configuration file in a memory in the wireless communication device” (emphasis added) and “retrieving a second text name checksum value stored in a second GUI configuration file in the memory.”

As explained in relation to claim 1, above, Martin fails to distinctly point out such a memory within the wireless communication device.

Claim 8 further requires “comparing the first text name checksum value with the second text name checksum value.”

As explained in relation to claim 1, above, Martin fails to distinctly point out – and there is insufficient teaching or suggestion in either Martin or Broderon to motivate the selective and speculative modification of Martin to provide – such a comparison.

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Applicants therefore respectfully submit that claim 8 overcomes the cited combination of Martin and Broderson.

Claim 8 is allowable. Applicants respectfully request reconsideration and allowance of claim 8.

Claims 9-14:

Claims 9-14 depend from allowable claim 8, and provide further elements distinguishing over the cited references, or provide – at least – claim differentiation.

Claims 9-14 are allowable. Applicants respectfully request reconsideration and allowance of claims 9-14.

Claim 15:

In rejecting claim 15, the Examiner states “Claim 15 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.”

Applicants therefore incorporate the arguments made in relation to claim 1, above, herein.

Claim 15, as amended, requires “A graphical user interface (GUI) configuration file suitable for storing in a memory in a wireless communication device” (emphasis added). Support for the amendment of claim 15 is found in the application as originally filed (Figure 2; p. 14, lines 9-19).

As explained in relation to claim 1, above, Martin fails to distinctly point out such a memory within the wireless communication device.

Claim 15 further requires “said GUI configuration file containing 1) GUI parameter data ... and 2) a text name checksum value associated with said GUI configuration file.”

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As explained in relation to claim 1, above, Martin fails to distinctly point out – and there is insufficient teaching or suggestion in either Martin or Broderson to motivate the selective and speculative modification of Martin to provide – such a text name checksum value.

Applicants therefore respectfully submit that claim 15 overcomes the cited combination of Martin and Broderson.

Claim 15 is allowable. Applicants respectfully request reconsideration and allowance of claim 15.

Claim 16:

Claim 16 depends from allowable claim 15, and provides further elements distinguishing over the cited references.

Claim 16 is allowable. Applicants respectfully request reconsideration and allowance of claim 16.

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SUMMARY

For the reasons given above, the Applicants respectfully request reconsideration and allowance of the pending claims, and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

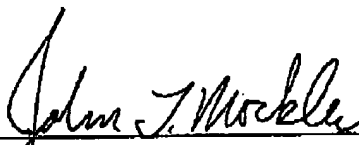
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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